university law schools are national schools dealing with the general common law. Here is a clear statement of our present status. What are we to do with it? Merely promote "imitation and perfection of detail"? Oh, no. "We stand now," he says, "on the brink of another creative period." [22] Our second war with England and our Civil War were "followed by periods of original creation in legal education. These in turn were followed by less significant periods devoted mainly to imitation and perfection of detail. It requires no great effort of the imagination to perceive that we stand now on the brink of another creative period." The long historical evolution of legal education as it developed in the United States and the final analysis of the present types of law schools have all been carefully worked out, so that we may intelligently emerge from a period of "imitation and perfection of detail" to "another creative period." What line then is this creative effort to take? What are the general principles in accordance with which this creative effort is to proceed? What advice and direction are given to the "generation of young men stirred by the recent conflict"? We search in vain for any answer to these questions. The only suggestion which we find is that the part-time or night schools be strengthened by lengthening their course to four years and beyond. This is an excellent suggestion, but does it fulfill the promise of a new creative effort? Is this the beacon which is to fire the imagination of the generation of young men stirred by the recent conflict? ALBERT M. KALES.

LE DROIT PÉNAL INTERNATIONAL ET SA MISE EN ŒUVRE EN TEMPS DE PAIX ET EN TEMPS DE GUERRE. By Maurice Travers. Paris: Librairie de la Société du Recueil Sirey. Vol. 1, 1920, pp. 670; vol. 2, 1921, pp. 684.

The above volumes constitute a part of a comprehensive treatise on the subject of international criminal law. Sections 1–101 develop the general principles which, in the opinion of the author, underlie the subject. The balance of the work, so far as it has appeared, cover the subject of jurisdiction. Sections 102–664 are devoted to a consideration of the question to what extent jurisdiction may be based (1) upon the fact that the act was committed within the territory of a particular state; (2) upon the nature of the act committed; (3) upon the nationality of the injured party; (4) upon the nationality of the offender; (5) upon the mere presence of the offender within the state; (6) upon a combination of two or more of the above grounds. Sections 665–974 deal with the exceptions to the general principles governing jurisdiction. Three appendices follow, discussing, respectively, the question of complementary jurisdiction, based upon connexity, indivisibility or complicity, the effect of territorial annexation and changes of nationality upon the application of criminal law, and the application of criminal law with respect to "industrial, artistic and literary property."

The subject-matter is set forth with great thoroughness in all of its aspects. Much space is given, for example, to such subjects as the jurisdiction of states with respect to crimes committed on vessels of their own nationality in foreign waters and on foreign vessels in domestic waters, the immunity of persons exercising diplomatic or consular functions, crimes committed in countries in which consular jurisdiction still exists, or by members of an invading army or the members of aircraft.

The work is meant to be a practical treatise on the actual French law governing the subject in hand. Being satisfied, however, that the positive law of France is defective, the author takes great pains in developing the theoretical aspects of the subject. In doing so he makes excellent use of the com-

[22] P. 6.

parative method, availing himself of the law of other countries so far as it throws light upon the matter under discussion. The author has full command also of the general literature on the subject and discusses in detail the arguments advanced by the writers of the different countries with respect to particular matters.

Space is not available for a critical discussion of the author's views concerning the vast number of questions dealt with in the work. Only a few general remarks can be made. The author is a realist who abhors fictions. He accepts the facts as he finds them and strives to fit his theories to the facts, instead of attempting to fit the facts to his theories. He is opposed, therefore, to all endeavors to find a single legal basis for international jurisdiction in criminal matters, be it that of the place where the crime was committed or that of the national law of the offender. The fundamental idea governing the subject being, in the estimation of the author, that of social protection, a single point of contact furnishes obviously a too narrow basis of jurisdiction. The author's position that different points of contact must be chosen to meet the needs of the particular situation is perfectly sound. The author is right also in insisting that each state must determine for itself what is necessary for its own protection. The character of an act as rightful or unlawful must in the nature of things be left to the judgment of each state whose interests are affected. The result may be, of course, that an act may be lawful where done, but unlawful in some other state, but that is unavoidable if the idea of social protection as the sole basis of international jurisdiction in criminal matters is accepted.

The treatise under consideration is a monumental one in every respect. It is indispensable to all interested in this branch of legal learning.

ERNEST G. LORENZEN.

THE NEW CHURCH LAW ON MATRIMONY. By Rev. Joseph J. C. Petrovits. Philadelphia: J. J. McVey. 1921. pp. xvi, 458.

The publication of the new *Codex Juris Canonici*[1] started a new period in the history of the canon law. The old *Glossatores, Summistae, Tractatistae* and *Commentatores* became in the main obsolete, in so far as they were concerned with the practical interpretation of the laws, and the need of new commentaries was felt immediately by the ecclesiastical courts the world over. The canonists, who, after a long period of relative neglect found themselves at once in a position of high importance, did not lose time in getting to work and in the short period of four years the literature dealing with the new Code has reached the respectable size of about one hundred volumes.

Almost all of them consist of comments on some special point of ecclesiastical law and are written from a practical rather than from a purely scientific point of view. The single fact that almost all this new literature is written in modern languages and not in the customary Latin of the glorious canonical tradition shows that its aim is to provide the clergy, especially parish priests, with practical manuals which it will be easy for them to consult in their daily pastoral work.

Another important characteristic of all this new literature is its uniformity both in spirit and in language. The time when there were within the Catholic clergy opposite schools of canon law, diverging in matters of fundamental importance, is long past, and the strong centralization of power in the Roman Curia has brought with it a remarkable unification in the new canonical tradition. Never was it so true as it is to-day that the Catholic world receives its law from Rome. "*Ex occidente Lex.*"

[1] Rome, May, 1917.